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Afghanistan: Presidential and Parliamentary Elections

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Summary

Presidential elections in Afghanistan were held on October 9, 2004, with heavy turnout and minimal violence. Karzai was declared the winner on November 3, 2004 with about 55% of the vote, and he subsequently named a cabinet incorporating most major factions but stressing qualifications. Parliamentary, provincial, and district elections were to be held in April-May 2005, but they are now almost certain to be postponed until at least September 2005. See CRS Report RL30588, *Afghanistan: Post-War Governance, Security, and U.S. Policy*.

The “Bonn Conference” and Political Reconstruction

Afghanistan has not previously had a fully elected government, although there were some parliamentary elections during the 1960s. For the first time since the December 1979 Soviet invasion, the country is beginning to stabilize, with the help of U.S. forces and the international community. Presidential and parliamentary elections, when held, would represent completion of the political transition roadmap outlined during the U.S.-led war to oust the Taliban regime of Afghanistan, as stipulated in an agreement signed at a United Nations-sponsored conference of major Afghan factions held in Bonn, Germany in late November 2001, after the Taliban had vacated Kabul. Under the Bonn agreement¹ (signed December 5, 2001) the factions formed a 30-member interim administration to govern until the holding in June 2002 of an “emergency *loya jirga*” — a traditional Afghan assembly — that would choose a new government until a new constitution was approved (by December 31, 2003) and national elections held (by June 2004). According to Bonn, the government would operate under the constitution of 1964 until a new constitution was adopted.

At the Bonn conference, Hamid Karzai, an ethnic Pashtun leader who had worked with U.S. forces to defeat the Taliban, was selected interim leader. He presided over a

¹ For text, see [<http://www.uno.de/frieden/afghanistan/talks/agreement.htm>].

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cabinet in which a slight majority of the positions were held by the so-called “Northern Alliance” faction, composed mostly of ethnic minorities, particularly ethnic Tajiks.

New Constitution and Elections

After the emergency *loya jirga*, Afghan officials began drafting a permanent constitution. It was debated by 502 delegates, selected in U.N.-run caucuses, at a “constitutional *loya jirga* (CLJ)” held during December 13, 2003 - January 4, 2004. The constitution set up a strong elected presidency. A proposal to set up a prime minister-ship as a check on the presidency, a plan pushed by the Northern Alliance faction, was not included in the original draft because of broad concerns that a prime minister might emerge as a rival to the presidency.² As an alternative, the draft enhanced the powers of an elected parliament relative to the president, giving it, for example, veto power over senior official nominees. The CLJ approved a final constitution with only minor changes from the original draft. The new constitution,³ as adopted, sets up a two-chamber parliament and local councils.

- The lower house (*Wolesi Jirga*, House of People), to consist of 249 seats, is to be fully elected at the same time, *if possible*, as presidential elections.
- The 102 seat upper chamber (*Meshrano Jirga*, House of Elders) is selected as follows: one-third of the seats (34) are appointed by the President; another one third (34, one per province) are selected by provincial councils (to be elected the same day as the parliamentary elections); and a final 34 are selected by the nearly 400 district councils to be elected. The constitution does not stipulate other roles for these councils, although some believe they will ultimately acquire some power to impose local taxes and provide local services.⁴
- In the elected lower house, at least 68 of those elected (two per province x 34 provinces) “should” be women. That would give women about 25% of the seats in that body. The goal is to be met through election rules that would give the top two women vote-getters in each province a seat. In the upper house, 50% of the president’s appointments are to be women - giving women at least 17 seats (half of the president’s 34 nominees).
- Two vice presidents run on the same election ticket as the president, and one succeeds him in the event of the president’s death. They serve a five-year term, and presidents are limited to two terms. If no presidential candidate receives at least 50%, a run-off is to be held within two weeks. The constitution gives parliament the ability to impeach a president.

² Constable, Pamela. “Afghan Constitution Seeks Balance.” *Washington Post*, Sept. 28, 2003.

³ From text of the constitution of Afghanistan.

⁴ Aizenman, N.C. *Afghans Face a Rocky Road to Next Vote*. *Washington Post*, February 19, 2005.

- The constitution allows political parties to be established so long as their charters “do not contradict the principles of Islam,” and they do not have affiliations with other countries.

Election Organization and Registration

Following the adoption of the constitution, the U.S. and Afghan focus turned to the holding of the presidential and parliamentary (lower house) elections. Karzai sought to hold timely national elections to parry any charges that he sought to monopolize power. Northern Alliance leaders sought simultaneous parliamentary elections so that a parliament could check presidential authority, but there was widespread recognition that parliamentary, provincial and district elections are more complicated than presidential elections and that the two sets of elections might be held separately.

In July 2003, a joint Afghan-U.N. committee (with U.N. Assistance Mission in Afghanistan, UNAMA), called the Joint Election Management Body (JEMB), was set up to register voters and organize the elections. Even though a population census has never been taken, it was estimated that 10.5 million Afghans would be eligible to vote. The voting age is 18. Registration was slowed by violence against election workers and overall security concerns, and in March 2004, with only 1.5 million voters registered, Afghan officials postponed the voting to at least September 2004. In late May 2004, a firm date for the presidential elections was set for October 9, 2004. The more complex parliamentary elections were postponed until April-May 2005, with the provincial and district council elections to be held the same day. Despite the parliamentary elections postponement, political parties have been registering with the Ministry of Justice; about 70 parties were registered as of September 30, 2004, the latest available figures.

At the close of the registration process in early September 2004, UNAMA reported that 10.5 million voters had registered,⁵ a number equal to the original assessments of the number of eligible voters. About 42% of those registered were women. The large registration total raised concerns, fueled by anecdotal reports, that some Afghans had registered more than once. Afghan and U.N. officials said that voter fingers would be marked with indelible ink on election day to prevent multiple voting.⁶ By May 2004, and in the face of continuing Taliban attacks on election workers, UNAMA was operating more than 1,600 registration centers; registration rates increased to more than 120,000 voters per day from about 40,000 per day in early May.

On May 25, 2004, Karzai signed the major election law that governed the elections.⁷ Among other provisions, the election law provides for the parliamentary elections to be district-based (voting for specific candidates) rather than proportional representation (voting for party slates), the system used in the January 2005 Iraqi elections. The law also

⁵ The International Organization of Migration, on behalf of the JEMB, conducted registration of Afghan refugees in Iran and Pakistan, who were eligible to vote.

⁶ Harrington, Carol and Jared Ferrie. “Afghan Vote Threatens Bush’s Credibility.” *Toronto Star*, August 17, 2004.

⁷ New Afghan Election Law Endorsed. Kabul Radio in Foreign Broadcast Information Service, May 27, 2004.

established an Independent Electoral Commission (IEC) to run the elections, and required sitting government officials who were candidates, except the president, to resign from their official positions 75 days before the elections. Presidential candidates needed to demonstrate support of at least 10,000 eligible voters to be allowed to run.

Presidential Candidate Field and the Vote

Karzai engaged in substantial political bargaining, hoping to reduce the number and strength of his opponents. According to a variety of press reports, Defense Minister/Northern Alliance military leader Mohammad Fahim, former President Burhannuddin Rabbani (the political leader of the Northern Alliance), and other Northern Alliance figures sought to trade support for Karzai for a role in a coalition cabinet after the elections.⁸ However, as the July 26, 2004 deadline for filing candidacies approached, a potential deal evaporated. The de-facto leader of the Uzbek areas of Afghanistan, Abdul Rashid Dostam, who has been part of the Northern Alliance, filed his candidacy. Karzai then dropped Fahim as his vice presidential running mate when Fahim balked at the requirement that he first resign as Defense Minister. The Northern Alliance subsequently fielded a candidate, Education Minister Yunis Qanooni. Karzai selected as his principal running mate Ahmad Zia Masud, a brother of slain Northern Alliance legendary commander Ahmad Shah Masud, hoping to attract Tajik support. He chose as his second running mate a leader of the Hazara community (Hazaras are Shiite Muslims), Karim Khalili, a vice president. Aside from Karzai, Qanooni, and Dostam, 15 other candidates were certified by the JEMB to run, but Qanooni, who campaigned actively, remained the most serious challenger. Other candidates who campaigned actively were Hazara leader Mohammad Mohaqiq and Dr. Masooda Jalal, the only woman who ran. During the campaign period, there were consistent concerns of potential factional unrest, but there was no violence. There were a few assassination attempts against some candidates, including Karzai and a running mate.

The Vote and Results. The October 9, 2004, vote was conducted under tight security and observed by about 400 international monitors from the Organization for Security and Cooperation in Europe (OSCE) and other groups. There were only a few minor insurgent attacks during the voting — far less violence than was expected. Turnout was heavy (about 8 million votes cast, roughly 80% of those registered) and the voting was orderly. Fears of widespread intimidation of voters by factional militiamen were not realized, although there were some reports of such activity on election day. The major threat to the election was an announcement on election day by 15 challenging candidates that they would boycott the results due to widespread fraud, primarily an alleged failure of indelible ink to prevent multiple voting. After a day of discussions and refutations by some of the international observers, most of the challengers — including Qanooni — agreed to allow an independent commission to investigate the alleged irregularities.

After the independent investigators determined that the election irregularities did not materially affect the outcome, Karzai was officially declared the winner on November 3, 2004. With all the votes counted, he received about 4.4 million votes, or 55.4% of the total, more than the 50% needed to avoid a runoff. Qanooni finished second with 1.3

⁸ Constable, Pamela. "Karzai's Talks Raise Some Fears About Afghan Vote." *Washington Post*, May 30, 2004.

million votes, or 16.3%; Mohaqiq received 935,000 votes, or 11.7%; and Dostam received about 800,000 votes, about 10% of the vote. With the exception of Karzai, who received significant numbers of Tajik votes, most candidates received few votes outside their ethnic bases. The female candidate, Masooda Jalal, finished sixth with 91,000 votes or 1.1%. Karzai was sworn into a five-year term on December 7, 2004.

New Cabinet. On December 23, 2004, after the outcome of an internal debate that determined that ministers must have higher education and relinquish any dual citizenships, Karzai announced a post-election cabinet. Broadly, the cabinet retained the factional balance (among Pashtuns, Tajiks, Hazaras, Uzbeks, and others) that previously existed, but Pashtuns now hold the security ministries (Defense and Interior) in a cabinet that generally emphasizes technocratic qualifications (nine have Ph.D's) over factional allegiances. The most prominent Northern Alliance minister, Fahim, has been replaced as Defense Minister by his Pashtun deputy, Abdul Rahim Wardak, and Qanooni was not given a cabinet seat. Qanooni has since announced the formation of "New Afghanistan" opposition party that will compete in the parliamentary elections. One prominent Northern Alliance leader, Dr. Abdullah Abdullah, was retained as Foreign Minister, and eight other Tajiks are in the 27-seat cabinet. Interior Minister Ali Jalali, a Pashtun, was retained. The prominent Finance Minister, Ashraf Ghani, a Pashtun unpopular with the Northern Alliance, was dropped in favor of another Pashtun, Karzai ally and reformist Central Bank governor Anwar ul-Haq Ahady. Female election opponent Masooda Jalal was made Minister of Women's Affairs, and another woman, Seqida Balkhi, was made Minister for Martyrs and the Disabled.

Karzai appeared to try, with mixed success, to marginalize regional strongmen. He removed Pashtun regional leader Ghul Agha Sherzai as Minister of Public Works and of Urban Development, but then returned him to his prior post as governor of Qandahar. The Tajik regional strongman Ismail Khan was appointed Minister of Water and Energy; he had been removed by Karzai as governor of Herat Province in September 2004. To emphasize his stated commitment to end the narcotics trafficking problem, Karzai created a new Ministry of Counter-Narcotics, headed by Habibullah Qadari.

Election Security and Funding

To secure the voting process, the International Security Assistance Force (ISAF), the 37-nation NATO-led coalition that now performs peacekeeping in Kabul and Konduz, was reinforced for the election period. An additional 2,500 troops arrived in Afghanistan from Spain and Italy to augment the 6,500 personnel already in ISAF, and a few countries sent additional combat aircraft to Afghanistan as well. In addition, the U.S.-trained Afghan National Army (ANA), which had 15,000 at election time and now has over 20,000 troops, performed election security missions, supported by the Afghan national police force (about 48,000 nationwide). Approximately 18,000 U.S. forces performing anti-insurgency missions under Operation Enduring Freedom also participated in some election security missions; an extra several hundred U.S. troops were deployed to Afghanistan in September for this duty. Similar security enhancements are planned for the parliamentary elections.

To address the potential for election interference by factional militias, the U.N.-run program to disarm and reintegrate (disarmament, demobilization, and reintegration, DDR) local militias was accelerated. Of the 60,000 total to be demobilized, about 25,000 had

been disarmed by the time of the presidential election; that number has now grown to about 40,000. International donors, including the United States, provided more than \$90 million in aid for the elections. The FY2004 supplemental appropriation (H.Rept. 108-337, P.L. 108-106) provided \$69 million for “elections and governance.”

The Parliamentary, Provincial, and District Elections

No date has been set for the parliamentary, provincial, and district elections. The key difficulty appears to be the setting of district boundaries, which is a sensitive issue because the drawing of boundaries is likely to determine the outcome of each district’s vote. According to the May 2004 election law, boundaries must be set 120 days before the election, and boundaries have still not been determined. U.N. observers say that the elections are not likely until at least September 2005.⁹ Some experts fear that the potential for local militia leaders and narcotics traffickers is great in the upcoming parliamentary elections because of the small size of the election districts in those elections, and some outside experts reportedly are urging that the parliamentary election system be changed to proportional representation, in which all voters have the same exact ballots and there is less potential for local manipulation. However, that system might empower political parties, and many Afghans are averse to strong parties because of the *mujahedin* parties’ association with foreign governments during the anti-Soviet war.

Another major problem is funding. It is estimated the parliamentary and local elections will cost about \$130 million, much of which will likely be required of international donors. The February 2005 Administration request for supplemental funding includes \$60 million in Economic Support Funds (ESF) to assist the parliamentary and local elections and candidate and voter education. Out of the FY2005 regular foreign aid appropriation (P.L. 108-447), the Administration allocated \$7 million for these Afghan elections.

Possible Implications for U.S. Policy

The presidential elections were considered a major milestone for U.S. efforts to stabilize Afghanistan, a key goal mentioned in the report of the 9/11 Commission. Legislation that enacted the Commission recommendations (P.L. 108-458) recommended steps to accelerate Afghanistan’s political and economic reconstruction. The apparent success of the elections — both the relatively peaceful vote and the perception that Afghans eagerly demonstrated their democratic rights — appear to have given the Afghan government the additional strength it needs to disarm local militias and combat the burgeoning narcotics trafficking problem. Karzai’s removal from his government of some powerful figures, such as Fahim, appear to demonstrate that he is gaining confidence and authority. The Taliban insurgency appears to be further losing momentum; there have been several recent reports that some in the Taliban movement now favor joining the political process. These trends are likely to be reinforced if and when parliamentary and local elections are held and proceed well.

⁹ CRS conversation with U.N. election assistance head Carina Perelli. March 2005.